

DAVID BURCHARD  
CHAPTER 13 TRUSTEE  
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**UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SANTA ROSA DIVISION**

In re:  
CHARLES DENIS and LYDIA DOWNIE  
10133 FAIRWAY DR  
KELSEYVILLE, CA 95451  
  
###-##-8334 ###-##-1653  
Debtor(s).

Case No.: 10-1-1995AJ13  
Chapter 13

**FIRST AMENDED** NOTICE BY DAVID  
BURCHARD, CHAPTER 13 TRUSTEE, OF  
CHAPTER 13 PLAN DEFICIENCIES

**CONFIRMATION HEARING:**

Date: 12/20/2010  
Time: 10:00 AM  
Place: United States Bankruptcy Court  
99 South E Street  
Santa Rosa, CA 95404

DAVID BURCHARD, Chapter 13 Trustee in the above-entitled action, cannot recommend Confirmation of the Chapter 13 Plan proposed hereunder by Debtor(s) for the following reason(s).

1. Schedule I and Question 2 in Form B22C list current monthly income in the amount of \$6,000.00. The Trustee is in receipt of payment advices for months November 2009 through April 2010 that do not match this figure. The Trustee requests that debtors' counsel amend the appropriate schedules so they are accurate and consistent.
2. Paragraph 11 of the plan indicates the lien held on real property by Citifinancial shall be voided. The Trustee requests that debtors' Motion to Avoid Lien is filed and resolved prior to confirmation.
3. Paragraph 11 of the third amended plan reflects the following provisions: "American General Financial Services: Plan will pay \$1,075 at 5% interest as secured claim, the rest unsecured. California Dept of Veteran's affairs: Plan will pay \$1,680 at 5% interest as secured claim, the rest unsecured." There are two debts owed to the Department of Veteran's Affairs, and said creditor has filed 2 secured proofs of claim. The Trustee is unable to determine which claim Paragraph 11 refers to. American General Financial Services has filed a secured proof of claim in the amount of \$44,786.63 which includes arrearages in the amount of \$3,374.69. The Trustee is unable to determine what debtors' intent is with respect to this creditor. The Trustee requests that debtors' counsel amend the plan further and clearly specify the treatment of these creditors.

PLEASE TAKE NOTICE that, without prior notice, at the above-referenced confirmation hearing date assigned to your Chapter 13 case, the Court may DISMISS the above-referenced case upon making a determination that Debtor(s) has/have not presented a feasible Plan, Debtor(s) has/have not made the required payments under the Plan, Debtor(s) has/have violated the statutory debt limitations set for a Chapter 13 case, Debtor(s) has/have not filed this proceeding in good faith, Debtor(s) has/have not provided documents and/or Schedules and Plan as required under the Bankruptcy code, and/or Debtor(s) has/have not provided the Trustee with Payment Advices or Declarations.

Dated: December 9, 2010

DAVID BURCHARD

DAVID BURCHARD, Chapter 13 Trustee

### Certificate of Mailing

I, WENDY KARNES, the undersigned, certify that:

I am over the age of 18 years and not a party to this action. I am employed by the Trustee whose business address is 393 Vintage Park Drive, Suite #150, Foster City, CA. On the date set forth below, I served a copy of the NOTICE BY DAVID BURCHARD, CHAPTER 13 TRUSTEE, OF CHAPTER 13 PLAN DEFICIENCIES, and this Certificate of Mailing, on the persons listed below by following our ordinary business practice for service, which is either deposited in the ordinary course of business with the U.S. Postal Service by first class mail or served by electronic transmission from the Court, if applicable. I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

CHARLES DENIS and LYDIA DOWNIE  
10133 FAIRWAY DR  
KELSEYVILLE, CA 95451

DANIEL B. BECK  
BECK LAW, P.C.  
2681 CLEVELAND AVE.  
SANTA ROSA, CA 95403

United States Trustee  
235 Pine Street, Suite 700  
San Francisco, CA 94104

Dated: December 9, 2010

WENDY KARNES

WENDY KARNES